

Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
GENERAL REQUIREMENTS			
PART 124--PROCEDURES FOR DECISION MAKING			
SUBPART A--GENERAL PROGRAM REQUIREMENTS			
40 CFR 124.3 Application for a permit			
Applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA). (1) Any person who requires a permit under the RCRA, UIC, NPDES, or PSD programs shall complete, sign, and submit to the Director an application for each permit required under §§ 270.1 (RCRA), 144.1 (UIC), 40 CFR 52.21 (PSD), and 122.1 (NPDES). Applications are not required for RCRA permits by rule (§ 270.60), underground injections authorized by rules (§§ 144.21 through 144.26), NPDES general permits (§ 122.28) and 404 general permits (§ 233.37).	40 CFR 124.3(a)(1)		
The Director shall not begin the processing of a permit until the applicant has fully complied with the application requirements for that permit. See §§ 270.10, 270.13 (RCRA), 144.31 (UIC), 40 CFR 52.21 (PSD), and 122.21 (NPDES).	40 CFR 124.3(a)(2)		
Permit applications (except for PSD permits) must comply with the signature and certification requirements of §§ 122.22 (NPDES), 144.32 (UIC), 233.6 (404), and 270.11 (RCRA).	40 CFR 124.3(a)(3)		
§ 124.5 Modification, revocation and reissuance, or termination of permits.			
(Applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA).) Permits (other than PSD permits) may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Director's initiative. However, permits may only be modified, revoked and reissued, or terminated for the reasons specified in § 122.62 or § 122.64 (NPDES), 144.39 or 144.40 (UIC), 233.14 or 233.15 (404), and 270.41 or 270.43 (RCRA). All requests shall be in writing and shall contain facts or reasons supporting the request.	40 CFR 124.5(a)		
If the Director decides the request is not justified, he or she shall send the requester a brief written response giving a reason for the decision. Denials of requests for modification, revocation and	40 CFR 124.5(b)		Not listed in Part 145.

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reissuance, or termination are not subject to public notice, comment, or hearings.			
(Applicable to State programs, see 40 CFR 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA)). (1) If the Director tentatively decides to modify or revoke and reissue a permit under 404 CFR 122.62 (NPDES), 144.39 (UIC), 233.14 (404), or 270.41 (other than § 270.41(b)(3)) or § 270.42(c) (RCRA), he or she shall prepare a draft permit under § 124.6 incorporating the proposed changes. The Director may request additional information and, in the case of a modified permit, may require the submission of an updated application. In the case of revoked and reissued permits, other than under 40 CFR 270.41(b)(3), the Director shall require the submission of a new application. In the case of revoked and reissued permits under 40 CFR 270.41(b)(3), the Director and the permittee shall comply with the appropriate requirements in 40 CFR part 124, subpart G for RCRA standardized permits.	40 CFR 124.5(c)(1)		
In a permit modification under this section, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued under this section, the entire permit is reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.	40 CFR 124.5(c)(2)		
“Minor modifications” as defined in §§ 122.63 (NPDES), 144.41 (UIC), and 233.16 (404), and “Classes 1 and 2 modifications” as defined in § 270.42 (a) and (b) (RCRA) are not subject to the requirements of this section.	40 CFR 124.5(c)(3)		
(Applicable to State programs, see §§ 123.25 (NPDES) of this chapter, 145.11 (UIC) of this chapter, and 271.14 (RCRA) of this chapter.) (1) If the Director tentatively decides to terminate: A permit under § 144.40 (UIC) of this chapter, a permit under §§ 122.64(a) (NPDES) of this chapter or 270.43 (RCRA) of this chapter (for EPA-issued NPDES permits, only at the request of the permittee), or a permit under § 122.64(b) (NPDES) of this chapter	40 CFR 124.5(d)(1)		

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where the permittee objects, he or she shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under § 124.6 of this chapter.			
§ 124.6 Draft permits.			
(Applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA).) Once an application is complete, the Director shall tentatively decide whether to prepare a draft permit (except in the case of State section 404 permits for which no draft permit is required under § 233.39) or to deny the application.	40 CFR 124.6(a)		
If the Director tentatively decides to deny the permit application, he or she shall issue a notice of intent to deny. A notice of intent to deny the permit application is a type of draft permit which follows the same procedures as any draft permit prepared under this section. See § 124.6(e). If the Director's final decision (§ 124.15) is that the tentative decision to deny the permit application was incorrect, he or she shall withdraw the notice of intent to deny and proceed to prepare a draft permit under paragraph (d) of this section.	40 CFR 124.6(b)		Not listed in Part 145.
(Applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA).) If the Director decides to prepare a draft permit, he or she shall prepare a draft permit that contains the following information:	40 CFR 124.6(d)		
All conditions under §§ 122.41 and 122.43 (NPDES), 144.51 and 144.42 (UIC), 233.7 and 233.8 (404, or 270.30 and 270.32 (RCRA) (except for PSD permits)));	40 CFR 124.6(d)(1)		
All compliance schedules under §§ 122.47 (NPDES), 144.53 (UIC), 233.10 (404), or 270.33 (RCRA) (except for PSD permits);	40 CFR 124.6(d)(2)		
All monitoring requirements under §§ 122.48 (NPDES), 144.54 (UIC), 233.11 (404), or 270.31 (RCRA) (except for PSD permits); and	40 CFR 124.6(d)(3)		
For: *** (ii) UIC permits, permit conditions under § 144.52;	40 CFR 124.6(d)(4)(ii)		

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(Applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA).) Draft permits prepared by a State shall be accompanied by a fact sheet if required under § 124.8.	40 CFR 124.6(e)		
§ 124.8 Fact sheet.			
A fact sheet shall be prepared for every draft permit for a major HWM, UIC, 404, or NPDES facility or activity, for every Class I sludge management facility, for every 404 and NPDES general permit (§§ 237.37 and 122.28), for every NPDES draft permit that incorporates a variance or requires an explanation under §124.56(b), for every draft permit that includes a sewage sludge land application plan under 40 CFR 501.15(a)(2)(ix), and for every draft permit which the Director finds is the subject of wide-spread public interest or raises major issues. The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permit. The Director shall send this fact sheet to the applicant and, on request, to any other person.	40 CFR 124.8(a)		
The fact sheet shall include, when applicable:	40 CFR 124.8(b)		
A brief description of the type of facility or activity which is the subject of the draft permit;	40 CFR 124.8(b)(1)		
The type and quantity of wastes, fluids, or pollutants which are proposed to be or are being treated, stored, disposed of, injected, emitted, or discharged.	40 CFR 124.8(b)(2)		
A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions and appropriate supporting references to the administrative record required by § 124.9 (for EPA-issued permits);	40 CFR 124.8(b)(4)		
Reasons why any requested variances or alternatives to required standards do or do not appear justified;	40 CFR 124.8(b)(5)		
A description of the procedures for reaching a final decision on the draft permit including: (i) The beginning and ending dates of the comment period under § 124.10 and the address where comments will be received; (ii) Procedures for requesting a hearing and the	40 CFR 124.8(b)(6)		

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nature of that hearing; and (iii) Any other procedures by which the public may participate in the final decision.			
Name and telephone number of a person to contact for additional information.	40 CFR 124.8(b)(7)		
Justification for waiver of any application requirements under § 122.21(j) or (q) of this chapter.	40 CFR 124.8(b)(9)		
40 CFR 124.10 Public notice of permit actions and public comment period.			
Scope. (1) The Director shall give public notice that the following actions have occurred:	40 CFR 124.10(a)(1)		
A permit application has been tentatively denied under § 124.6(b);	40 CFR 124.10(a)(1)(i)		Not listed in Part 145.
(Applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA).) A draft permit has been prepared under § 124.6(d);	40 CFR 124.10(a)(1)(ii)		
(Applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404) and 271.14 (RCRA).) A hearing has been scheduled under § 124.12;	40 CFR 124.10(a)(1)(iii)		
An appeal has been granted under § 124.19(c);	40 CFR 124.10(a)(1)(iv)		Not listed in Part 145.
No public notice is required when a request for permit modification, revocation and reissuance, or termination is denied under § 124.5(b). Written notice of that denial shall be given to the requester and to the permittee.	40 CFR 124.10(a)(2)		Not listed in Part 145.
Timing (applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA)). (1) Public notice of the preparation of a draft permit (including a notice of intent to deny a permit application) required under paragraph (a) of this section shall allow at least 30 days for public comment. (2) Public notice of a public hearing shall be given at least 30 days before the hearing. (Public notice of the hearing may be given at the same time as public notice of the draft permit and the two notices may be combined.)	40 CFR 124.10(b)		

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Methods (applicable to State programs, see 40 CFR 123.25 (NPDES), 145.11 (UIC), 233.23 (404), and 271.14 (RCRA)). Public notice of activities described in paragraph (a)(1) of this section shall be given by the following methods: (1) By mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this paragraph may waive his or her rights to receive notice for any classes and categories of permits);	40 CFR 124.10(c)(1)		Addressed in previous crosswalk.
The applicant (except for NPDES and 404 general permits when there is no applicant);	40 CFR 124.10(c)(1)(i)		
Any other agency which the Director knows has issued or is required to issue a RCRA, UIC, PSD (or other permit under the Clean Air Act), NPDES, 404, sludge management permit, or ocean dumping permit under the Marine Research Protection and Sanctuaries Act for the same facility or activity (including EPA when the draft permit is prepared by the State);	40 CFR 124.10(c)(1)(ii)		
Federal and State agencies with jurisdiction over fish, shellfish, and wildlife resources and over coastal zone management plans, the Advisory Council on Historic Preservation, State Historic Preservation Officers, including any affected States (Indian Tribes). (For purposes of this paragraph, and in the context of the Underground Injection Control Program only, the term State includes Indian Tribes treated as States.)	40 CFR 124.10(c)(1)(iii)		
Persons on a mailing list developed by: (A) Including those who request in writing to be on the list; (B) Soliciting persons for “area lists” from participants in past permit proceedings in that area; and (C) Notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in such publications as Regional and State funded newsletters, environmental bulletins, or State law journals. (The Director may update the mailing list from time to time by requesting written indication of continued interest from those listed. The Director may delete from the list the name of any person who fails to respond to such a request.)	40 CFR 124.10(c)(1)(ix)		
(A) To any unit of local government having jurisdiction over the area where the facility is proposed to be located; and (B) to each	40 CFR 124.10(c)(1)(x)		

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State agency having any authority under State law with respect to the construction or operation of such facility.			
For Class VI injection well UIC permits, mailing or emailing a notice to State and local oil and gas regulatory agencies and State agencies regulating mineral exploration and recovery, the Director of the Public Water Supply Supervision program in the State, and all agencies that oversee injection wells in the State.	40 CFR 124.10(c)(1)(xi)		Addressed in previous crosswalk.
For major permits, NPDES and 404 general permits, and permits that include sewage sludge land application plans under 40 CFR 501.15(a)(2)(ix), publication of a notice in a daily or weekly newspaper within the area affected by the facility or activity; and for EPA-issued NPDES general permits, in the FEDERAL REGISTER;	40 CFR 124.10(c)(2)(i)		
When the program is being administered by an approved State, in a manner constituting legal notice to the public under State law; and	40 CFR 124.10(c)(3)		
Any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.	40 CFR 124.10(c)(4)		
Contents (applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA))—(1) All public notices. All public notices issued under this part shall contain the following minimum information:	40 CFR 124.10(d)(1)		
Name and address of the office processing the permit action for which notice is being given;	40 CFR 124.10(d)(1)(i)		
Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit, except in the case of NPDES and 404 draft general permits under §§ 122.28 and 233.37;	40 CFR 124.10(d)(1)(ii)		
A brief description of the business conducted at the facility or activity described in the permit application or the draft permit, for NPDES or 404 general permits when there is no application.	40 CFR 124.10(d)(1)(iii)		
Name, address and telephone number of a person from whom interested persons may obtain further information, including copies	40 CFR 124.10(d)(1)(iv)		

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of the draft permit or draft general permit, as the case may be, statement of basis or fact sheet, and the application; and			
A brief description of the comment procedures required by §§ 124.11 and 124.12 and the time and place of any hearing that will be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision.	40 CFR 124.10(d)(1)(v)		
Any additional information considered necessary or proper.	40 CFR 124.10(d)(1)(x)		
Public notices for hearings. In addition to the general public notice described in paragraph (d)(1) of this section, the public notice of a hearing under § 124.12 shall contain the following information:	40 CFR 124.10(d)(2)		
Reference to the date of previous public notices relating to the permit;	40 CFR 124.10(d)(2)(i)		
Date, time, and place of the hearing;	40 CFR 124.10(d)(2)(ii)		
A brief description of the nature and purpose of the hearing, including the applicable rules and procedures;	40 CFR 124.10(d)(2)(iii)		
(Applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA).) In addition to the general public notice described in paragraph (d)(1) of this section, all persons identified in paragraphs (c)(1) (i), (ii), (iii), and (iv) of this section shall be mailed a copy of the fact sheet or statement of basis (for EPA-issued permits), the permit application (if any) and the draft permit (if any).	40 CFR 124.10(e)		
§ 124.11 Public comments and requests for public hearings.			
(Applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA).) During the public comment period provided under§ 124.10, any interested person may submit written comments on the draft permit or the permit application for 404 permits when no draft permit is required (see § 233.39) and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments shall be considered in making the final decision and shall be answered as provided in § 124.17.	40 CFR 124.11		

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§ 124.12 Public hearings.			
(Applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA).) (1) The Director shall hold a public hearing whenever he or she finds, on the basis of requests, a significant degree of public interest in a draft permit(s);	40 CFR 124.12(a)(1)		
The Director may also hold a public hearing at his or her discretion, whenever, for instance, such a hearing might clarify one or more issues involved in the permit decision;	40 CFR 124.12(a)(2)		
Public notice of the hearing shall be given as specified in § 124.10.	40 CFR 124.12(a)(4)		
Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under § 124.10 shall automatically be extended to the close of any public hearing under this section. The hearing officer may also extend the comment period by so stating at the hearing.	40 CFR 124.12(c)		Not listed in Part 145.
A tape recording or written transcript of the hearing shall be made available to the public.	40 CFR 124.12(d)		Not listed in Part 145.
§ 124.17 Response to comments.			
(Applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA).) At the time that any final permit decision is issued under § 124.15, the Director shall issue a response to comments. States are only required to issue a response to comments when a final permit is issued. This response shall:	40 CFR 124.17(a)		
Specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and	40 CFR 124.17(a)(1)		
Briefly describe and respond to all significant comments on the draft permit or the permit application (for section 404 permits only) raised during the public comment period, or during any hearing.	40 CFR 124.17(a)(2)		

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(Applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA).) The response to comments shall be available to the public.	40 CFR 124.17(c)		
PART 144--UNDERGROUND INJECTION CONTROL PROGRAM			
SUBPART A--GENERAL PROVISIONS			
40 CFR 144.1 Purpose and scope of Part 144.			
40 CFR 144.3 Definitions.			
<i>Administrator</i> means the Administrator of the United States Environmental Protection Agency, or an authorized representative.			
<i>Application</i> means the EPA standard national forms for applying for a permit, including any additions, revisions or modifications to the forms; or forms approved by EPA for use in approved States, including any approved modifications or revisions.			
<i>Approved State Program</i> means a UIC program administered by the State or Indian Tribe that has been approved by EPA according to SDWA sections 1422 and/or 1425.			
<i>Aquifer</i> means a geological “formation,” group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.			
<i>Contaminant</i> means any physical, chemical, biological, or radiological substance or matter in water.			
<i>Director</i> means the Regional Administrator, the State director or the Tribal director as the context requires, or an authorized representative. When there is no approved State or Tribal program, and there is an EPA administered program, “Director” means the Regional Administrator. When there is an approved State or Tribal program, “Director” normally means the State or Tribal director. In some circumstances, however, EPA retains the authority to take certain actions even when there is an approved State or Tribal program. In such cases, the term “Director” means the Regional Administrator and not the State or Tribal director.			
<i>Draft permit</i> means a document prepared under §124.6 indicating the Director's tentative decision to issue or deny, modify, revoke			

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and reissue, terminate, or reissue a “permit.” A notice of intent to terminate a permit, and a notice of intent to deny a permit, as discussed in §124.5 are types of “draft permits.” A denial of a request for modification, revocation and reissuance, or termination, as discussed in §124.5 is not a “draft permit.”			
<i>Drilling mud</i> means a heavy suspension used in drilling an “injection well,” introduced down the drill pipe and through the drill bit.			
<i>Eligible Indian Tribe</i> is a Tribe that meets the statutory requirements established at 42 U.S.C. 300j-11(b)(1).			
<i>Emergency permit</i> means a UIC “permit” issued in accordance with §144.34			
<i>Environmental Protection Agency</i> (“EPA”) means the United States Environmental Protection Agency.			
<i>Exempted aquifer</i> means an “aquifer” or its portion that meets the criteria in the definition of “underground source of drinking water” but which has been exempted according to the procedures in §144.7.			
<i>Existing injection well</i> means an “injection well” other than a “new injection well.”			
<i>Facility or activity</i> means any UIC “injection well,” or an other facility or activity that is subject to regulation under the UIC program.			
<i>Fluid</i> means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.			
<i>Formation</i> means a body of consolidated or unconsolidated rock characterized by a degree of lithologic homogeneity which is prevailing, but not necessarily, tabular and is mappable on the earth’s surface or traceable in the subsurface.			
<i>Formation fluid</i> means “fluid” present in a “formation” under natural conditions as opposed to introduced fluids, such as “drilling mud.”			

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<i>Geologic sequestration</i> means the long-term containment of a gaseous, liquid, or supercritical carbon dioxide stream in subsurface geologic formations. This term does not apply to carbon dioxide capture or transport.			Addressed in previous crosswalk.
<i>Ground water</i> means water below the land surface in a zone of saturation.			
<i>Hazardous waste</i> means a hazardous waste as defined in 40 CFR 261.3.			
<i>Indian Tribe</i> means any Indian Tribe having a Federally recognized governing body carrying out substantial governmental duties and powers over a defined area.			
<i>Injection well</i> means a “well” into which “fluids” are being injected.			
<i>New injection wells</i> means an “injection well” which began injection after a UIC program for the State applicable to the well is approved or prescribed.			
<i>Owner or operator</i> means the owner or operator of any “facility or activity” subject to regulation under the UIC program.			
<i>Permit</i> means an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of this part, parts 145, 146 and 124. “Permit” includes an area permit (§144.33) and an emergency permit (§144.34). Permit does not include UIC authorization by rule (§144.21), or any permit which has not yet been the subject of final agency action, such as a “draft permit.”			
<i>Person</i> means an individual, association, partnership, corporation, municipality, state, federal, or tribal agency, or an agency or employee thereof			
<i>Point of injection</i> means the last accessible sampling point prior to waste fluids being released into the subsurface environment through a Class V injection well. For example, the point of injection of a Class V septic system might be the distribution box—the last accessible sampling point before the waste fluids drain into the underlying soils. For a dry well, it is likely to be the			

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well bore itself.			
RCRA means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94–580, as amended by Pub. L. 95–609, Pub. L. 96–510, 42 U.S.C. 6901 et seq.).			
Regional Administrator means the Regional Administrator of the appropriate Regional Office of the Environmental Protection Agency or the authorized representative of the Regional Administrator.			
SDWA means the Safe Drinking Water Act (Pub. L. 93–523, as amended; 42 U.S.C. 300f et seq.).			
Site means the land or water area where any “facility or activity” is physically located or conducted, including adjacent land used in connection with the facility or activity.			
State means any of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or an Indian Tribe treated as a State.			
State Director means the chief administrative officer of any State, interstate, or Tribal agency operating an “approved program,” or the delegated representative of the State director. If the responsibility is divided among two or more States, interstate, or Tribal agencies, “State Director” means the chief administrative officer of the State, interstate, or Tribal agency authorized to perform the particular procedure or function to which reference is made.			Kevin, is there a way to define the state director as the NDIC (Commission) in your regulations?
Stratum (plural strata) means a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.			
Total dissolved solids means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR part 136.			
UIC means the Underground Injection Control program under Part C of the Safe Drinking Water Act, including an “approved State			

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program.”			
<i>Underground injection</i> means a “well injection.”			
<i>Underground source of drinking water</i> (USDW) means an aquifer or its portion: (a)(1) Which supplies any public water system; or (2) Which contains a sufficient quantity of ground water to supply a public water system; and (i) Currently supplies drinking water for human consumption; or (ii) Contains fewer than 10,000 mg/l total dissolved solids; and (b) Which is not an exempted aquifer.			
<i>Well</i> means: A bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; or, a dug hole whose depth is greater than the largest surface dimension; or, an improved sinkhole; or, a subsurface fluid distribution system.			
<i>Well injection</i> means the subsurface emplacement of fluids through a well.			
40 CFR 144.8 Noncompliance and program reporting by the Director.			
The Director shall prepare quarterly and annual reports as detailed below. When the State is the permit-issuing authority, the State Director shall submit any reports required under this section to the Regional Administrator. (a) <i>Quarterly reports</i> . The Director shall submit quarterly narrative reports for major facilities as follows:	40 CFR 144.8(a)		
(1) <i>Format</i> . The report shall use the following format: (i) Provide an alphabetized list of permittees. When two or more permittees have the same name, the lowest permit number shall be entered first.	40 CFR 144.8(a)(1)(i)		
(ii) For each entry on the list, include the following information in the following order: (A) Name, location, and permit number of the noncomplying permittees. (B) A brief description and date of each instance of noncompliance for that permittee. Instances of noncompliance may include one or more the kinds set forth in paragraph (a)(2) of this section. When a	40 CFR 144.8(a)(1)(ii)		

Text highlighted in yellow is not required.

Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
<p>permittee has noncompliance of more than one kind, combine the information into a single entry for each such permittee.</p> <p>(C) The date(s) and a brief description of the action(s) taken by the Director to ensure compliance.</p> <p>(D) Status of the instance(s) of noncompliance with the date of the review of the status or the date of resolution.</p> <p>(E) Any details which tend to explain or mitigate the instance(s) of noncompliance.</p>			
(2) <i>Instances of noncompliance to be reported.</i> Any instances of noncompliance within the following categories shall be reported in successive reports until the noncompliance is reported as resolved. Once noncompliance is reported as resolved it need not appear in subsequent reports.	40 CFR 144.8(a)(2)		
(i) <i>Failure to complete construction elements.</i> When the permittee has failed to complete, by the date specified in the permit, an element of a compliance schedule involving either planning for construction or a construction step (for example, begin construction, attain operation level); and the permittee has not returned to compliance by accomplishing the required elements of the schedule within 30 days from the date a compliance schedule report is due under the permit.	40 CFR 144.8(a)(2)(i)		
(ii) <i>Modifications to schedules of compliance.</i> When a schedule of compliance in the permit has been modified under §§144.39 or 144.41 because of the permittee's noncompliance.	40 CFR 144.8(a)(2)(ii)		
(iii) <i>Failure to complete or provide compliance schedule or monitoring reports.</i> When the permittee has failed to complete or provide a report required in a permit compliance schedule (for example, progress report or notice of noncompliance or compliance) or a monitoring report; and the permittee has not submitted the complete report within 30 days from the date it is due under the permit for compliance schedules, or from the date specified in the permit for monitoring reports.	40 CFR 144.8(a)(2)(iii)		
(iv) <i>Deficient reports.</i> When the required reports provided by the	40 CFR 144.8(a)(2)(iv)		

Text highlighted in yellow is not required.

Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
permittee are so deficient as to cause misunderstanding by the Director and thus impede the review of the status of compliance.			
<p>(v) <i>Noncompliance with other permit requirements.</i> Noncompliance shall be reported in the following circumstances:</p> <p>(A) Whenever the permittee has violated a permit requirement (other than reported under paragraph (a)(2) (i) or (ii) of this section), and has not returned to compliance within 45 days from the date reporting of noncompliance was due under the permit; or</p> <p>(B) When the Director determines that a pattern of noncompliance exists for a major facility permittee over the most recent four consecutive reporting periods. This pattern includes any violation of the same requirement in two consecutive reporting periods, and any violation of one or more requirements in each of four consecutive reporting periods; or</p> <p>(C) When the Director determines significant permit noncompliance or other significant event has occurred, such as a migration of fluids into a USDW.</p>	40 CFR 144.8(a)(2)(v)		
(vi) <i>All other.</i> Statistical information shall be reported quarterly on all other instances of noncompliance by major facilities with permit requirements not otherwise reported under paragraph (a) of this section.	40 CFR 144.8(a)(2)(vi)		
(b) <i>Annual reports</i> —(1) <i>Annual noncompliance report.</i> Statistical reports shall be submitted by the Director on nonmajor UIC permittees indicating the total number reviewed, the number of noncomplying nonmajor permittees, the number of enforcement actions, and number of permit modifications extending compliance deadlines. The statistical information shall be organized to follow the types of noncompliance listed in paragraph (a) of this section.	40 CFR 144.8(b)(1)		
<p>For State-administered UIC Programs only. In addition to the annual noncompliance report, the State Director shall:</p> <p>Submit each year a program report to the Administrator (in a manner and form prescribed by the Administrator) consisting of:</p>	40 CFR 144.8(b)(2)(i)		

Text highlighted in yellow is not required.

Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
A detailed description of the State's implementation of its program;	40 CFR 144.8(b)(2)(i)(A)		
Suggested changes, if any to the program description (see § 145.23(f)) which are necessary to reflect more accurately the State's progress in issuing permits;	40 CFR 144.8(b)(2)(i)(B)		
An updated inventory of active underground injection operations in the State.	40 CFR 144.8(b)(2)(i)(C)		
In addition to complying with the requirements of paragraph (b)(2)(i) of this section, the Director shall provide the Administrator, on February 28 th and August 31 st of each of the first two years of program operation, the information required in 40 CFR 146.15, 146.25, and 146.35.	40 CFR 144.8(b)(2)(ii)		
All Class VI program reports shall be consistent with reporting requirements set forth in §146.91 of this chapter.	40 CFR 144.8(b)(2)(iii)		Addressed in previous crosswalk.
Schedule. (1) For all quarterly reports. On the last working day of May, August, November, and February, the State Director shall submit to the Regional Administrator information concerning noncompliance with permit requirements by major facilities in the State in accordance with the following schedule. The Regional Administrator shall prepare and submit information for EPA-issued permits to EPA Headquarters in accordance with the same schedule. QUARTERS COVERED BY REPORTS ON NONCOMPLIANCE BY MAJOR FACILITIES [Date for completion of reports] January, February, and March 1 May 31 April, May, and June 1 Aug. 31 July, August, and September 1 Nov. 30 October, November, and December 1 Feb. 28 1 Reports must be made available to the public for inspection and copying on this date.	40 CFR 144.8(c)(1)		
For all annual reports. The period for annual reports shall be for the calendar year ending December 31, with reports completed and available to the public no more than 60 days later.	40 CFR 144.8(c)(2)		

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Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
SUBPART B--GENERAL PROGRAM REQUIREMENTS			
40 CFR 144.11 Prohibition of unauthorized injection.			
Any underground injection, except into a well authorized by rule or except as authorized by permit issued under the UIC program, is prohibited. The construction of any well required to have a permit is prohibited until the permit has been issued.	40 CFR 144.11		
40 CFR 144.12 Prohibition of movement of fluid into underground sources of drinking water.			
No owner or operator shall construct, operate, maintain, convert, plug, abandon, or conduct any other injection activity in a manner that allows the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 CFR part 142 or may otherwise adversely affect the health of persons. The applicant for a permit shall have the burden of showing that the requirements of this paragraph are met.	40 CFR 144.12(a)		
For Class I, II, III, and VI wells, if any water quality monitoring of an underground source of drinking water indicates the movement of any contaminant into the underground source of drinking water, except as authorized under part 146, the Director shall prescribe such additional requirements for construction, corrective action, operation, monitoring, or reporting (including closure of the injection well) as are necessary to prevent such movement. In the case of wells authorized by permit, these additional requirements shall be imposed by modifying the permit in accordance with §144.39, or the permit may be terminated under §144.40 if cause exists, or appropriate enforcement action may be taken if the permit has been violated.	40 CFR 144.12(b)		Addressed in previous crosswalk.
Notwithstanding any other provision of this section, the Director may take emergency action upon receipt of information that a contaminant which is present in or likely to enter a public water system or underground source of drinking water may present an imminent and substantial endangerment to the health of persons.	40 CFR 144.12(e)		
40 CFR 144.15 Prohibition of non-experimental Class V wells for geologic sequestration.			
The construction, operation or maintenance of any non-	40 CFR 144.15		Addressed in previous crosswalk.

Text highlighted in yellow is not required.

Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
experimental Class V geologic sequestration well is prohibited.			
40 CFR 144.16 Waiver of requirement by Director.			
When injection does not occur into, through or above an underground source of drinking water, the Director may authorize a well or project with less stringent requirements for area of review, construction, mechanical integrity, operation, monitoring, and reporting than required in 40 CFR part 146 or § 144.52 to the extent that the reduction in requirements will not result in an increased risk of movement of fluids into an underground source of drinking water.	40 CFR 144.16(a)		
When injection occurs through or above an underground source of drinking water, but the radius of endangering influence when computed under § 146.06(a) is smaller or equal to the radius of the well, the Director may authorize a well or project with less stringent requirements for operation, monitoring, and reporting than required in 40 CFR part 146 or § 144.52 to the extent that the reduction in requirements will not result in an increased risk of movement of fluids into an underground source of drinking water.	40 CFR 144.16(b)		
When reducing requirements under paragraph (a) or (b) of this section, the Director shall prepare a fact sheet under § 124.8 explaining the reasons for the action.	40 CFR 144.16(c)		
40 CFR 144.17 Records.			
The Director or the Administrator may require, by written notice on a selective well-by-well basis, an owner or operator of an injection well to establish and maintain records, make reports, conduct monitoring, and provide other information as is deemed necessary to determine whether the owner or operator has acted or is acting in compliance with Part C of the SDWA or its implementing regulations.	40 CFR 144.17		
40 CFR 144.18 Requirements for Class VI wells.			
Owners or operators of Class VI wells must obtain a permit. Class VI wells cannot be authorized by rule to inject carbon dioxide.	40 CFR 144.18		Addressed in previous crosswalk.
40 CFR 144.19 Transitioning from Class II to Class VI.			
Owners or operators that are injecting carbon dioxide for the	40 CFR 144.19(a)		Addressed in previous crosswalk.

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Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
primary purpose of long- term storage into an oil and gas reservoir must apply for and obtain a Class VI geologic sequestration permit when there is an increased risk to USDWs compared to Class II operations. In determining if there is an increased risk to USDWs, the owner or operator must consider the factors specified in §144.19(b).			
The Director shall determine when there is an increased risk to USDWs compared to Class II operations and a Class VI permit is required. In order to make this determination the Director must consider the following:	40 CFR 144.19(b)		Addressed in previous crosswalk.
Increase in reservoir pressure within the injection zone(s);	40 CFR 144.19(b)(1)		Addressed in previous crosswalk.
Increase in carbon dioxide injection rates;	40 CFR 144.19(b)(2)		Addressed in previous crosswalk.
Decrease in reservoir production rates;	40 CFR 144.19(b)(3)		Addressed in previous crosswalk.
Distance between the injection zone(s) and USDWs;	40 CFR 144.19(b)(4)		Addressed in previous crosswalk.
Suitability of the Class II area of review delineation;	40 CFR 144.19(b)(5)		Addressed in previous crosswalk.
Quality of abandoned well plugs within the area of review;	40 CFR 144.19(b)(6)		Addressed in previous crosswalk.
The owner's or operator's plan for recovery of carbon dioxide at the cessation of injection;	40 CFR 144.19(b)(7)		Addressed in previous crosswalk.
The source and properties of injected carbon dioxide; and	40 CFR 144.19(b)(8)		Addressed in previous crosswalk.
Any additional site-specific factors as determined by the Director.	40 CFR 144.19(b)(9)		Addressed in previous crosswalk.
SUBPART D--AUTHORIZATION BY PERMIT			
40 CFR 144.31 Application for a permit; authorization by permit.			
Permit application. Unless an underground injection well is authorized by rule under subpart C of this part, all injection activities including construction of an injection well are prohibited until the owner or operator is authorized by permit. An owner or operator of a well currently authorized by rule must apply for a permit under this section unless well authorization by rule was for the life of the well or project. Authorization by rule for a well or project for which a permit application has been submitted terminates for the well or project upon the effective date of the permit. Procedures for applications, issuance and administration of	40 CFR 144.31(a)		

Text highlighted in yellow is not required.

Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
emergency permits are found exclusively in § 144.34. A RCRA permit applying the standards of part 264, subpart C of this chapter will constitute a UIC permit for hazardous waste injection wells for which the technical standards in part 146 of this chapter are not generally appropriate.			
Who applies? When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit.	40 CFR 144.31(b)		
Time to apply. Any person who performs or proposes an underground injection for which a permit is or will be required shall submit an application to the Director in accordance with the UIC program as follows:	40 CFR 144.31(c)		
For existing wells, as expeditiously as practicable and in accordance with the schedule in any program description under § 145.23(f), but no later than 4 years from the approval or promulgation of the UIC program.	40 CFR 144.31(c)(1)		
For new injection wells, except new wells in projects authorized under § 144.21(d) or authorized by an existing area permit under § 144.33(c), a reasonable time before construction is expected to begin.	40 CFR 144.31(c)(2)		
Completeness. The Director shall not issue a permit before receiving a complete application for a permit except for emergency permits. An application for a permit is complete when the Director receives an application form and any supplemental information which are completed to his or her satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity.	40 CFR 144.31(d)		
Information requirements. All applicants for Class I, II, III, and V permits shall provide the following information to the Director, using the application form provided by the Director. Applicants for Class VI permits shall follow the criteria provided in §146.82 of this chapter.	40 CFR 144.31(e)		Addressed in previous crosswalk.

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Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
The activities conducted by the applicant which require it to obtain permits under RCRA, UIC, the National Pollution Discharge Elimination system (NPDES) program under the Clean Water Act, or the Prevention of Significant Deterioration (PSD) program under the Clean Air Act.	40 CFR 144.31(e)(1)		
Name, mailing address, and location of the facility for which the application is submitted.	40 CFR 144.31(e)(2)		
Up to four SIC codes which best reflect the principal products or services provided by the facility.	40 CFR 144.31(e)(3)		
The operator's name, address, telephone number, ownership status, and status as Federal, State, private, public, or other entity.	40 CFR 144.31(e)(4)		
Whether the facility is located on Indian lands.	40 CFR 144.31(e)(5)		
A listing of all permits or construction approvals received or applied for under any of the following programs:	40 CFR 144.31(e)(6)		
Hazardous Waste Management program under RCRA.	40 CFR 144.31(e)(6)(i)		
UIC program under SDWA.	40 CFR 144.31(e)(6)(ii)		
NPDES program under CWA.	40 CFR 144.31(e)(6)(iii)		
Prevention of Significant Deterioration (PSD) program under the Clean Air Act.	40 CFR 144.31(e)(6)(iv)		
Nonattainment program under the Clean Air Act.	40 CFR 144.31(e)(6)(v)		
National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act.	40 CFR 144.31(e)(6)(vi)		
Ocean dumping permits under the Marine Protection Research and Sanctuaries Act.	40 CFR 144.31(e)(6)(vii)		
Dredge and fill permits under section 404 of CWA.	40 CFR 144.31(e)(6)(viii)		
Other relevant environmental permits, including State permits.	40 CFR 144.31(e)(6)(ix)		
§ 144.32 Signatories to permit applications and reports.			
Applications. All permit applications, except those submitted for Class II wells (see paragraph (b) of this section), shall be signed as follows:	40 CFR 144.32(a)		

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Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means;	40 CFR 144.32(a)(1)		
A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision making functions for the corporation, or	40 CFR 144.32(a)(1)(i)		
the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. NOTE: EPA does not require specific assignments or delegations of authority to responsible corporate officers identified in § 144.32(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under § 144.32(a)(1)(ii) rather than to specific individuals.	40 CFR 144.32(a)(1)(ii)		
For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or	40 CFR 144.32(a)(2)		
For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:	40 CFR 144.32(a)(3)		
The chief executive officer of the agency, or	40 CFR 144.32(a)(3)(i)		
a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).	40 CFR 144.32(a)(3)(ii)		
Reports. All reports required by permits, other information requested by the Director, and all permit applications submitted for Class II wells under § 144.31 shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized	40 CFR 144.32(b)		

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Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
representative only if:			
The authorization is made in writing by a person described in paragraph (a) of this section;	40 CFR 144.32(b)(1)		
The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and	40 CFR 144.32(b)(2)		
The written authorization is submitted to the Director.	40 CFR 144.32(b)(3)		
Changes to authorization. If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.	40 CFR 144.32(c)		
Certification. Any person signing a document under paragraph (a) or (b) of this section shall make the following certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.	40 CFR 144.32(d)		
40 CFR 144.33 Area permits.			
The Director may issue a permit on an area basis, rather than for each well individually, provided that the permit is for injection wells;	40 CFR 144.33(a)		Addressed in previous crosswalk.
Other than Class VI wells.	40 CFR 144.33(a)(5)		Addressed in previous crosswalk.

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Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
40 CFR 144.34 Emergency permits.			
Coverage. Notwithstanding any other provision of this part or part 124, the Director may temporarily permit a specific underground injection if:	40 CFR 144.34(a)		Prohibited for Class VI wells.
An imminent and substantial endangerment to the health of persons will result unless a temporary emergency permit is granted; or	40 CFR 144.34(a)(1)		Prohibited for Class VI wells.
Requirements for issuance.	40 CFR 144.34(b)		Prohibited for Class VI wells.
Any temporary permit under paragraph (a)(1) of this section shall be for no longer term than required to prevent the hazard.	40 CFR 144.34(b)(1)		Prohibited for Class VI wells.
Notice of any temporary permit under this paragraph shall be published in accordance with § 124.11 within 10 days of the issuance of the permit.	40 CFR 144.34(b)(4)		Prohibited for Class VI wells.
The temporary permit under this section may be either oral or written. If oral, it must be followed within 5 calendar days by a written temporary emergency permit.	40 CFR 144.34(b)(5)		Prohibited for Class VI wells.
The Director shall condition the temporary permit in any manner he or she determines is necessary to ensure that the injection will not result in the movement of fluids into an underground source of drinking water.	40 CFR 144.34(b)(6)		Prohibited for Class VI wells.
§ 144.35 Effect of a permit.			
Except for Class II and III wells, compliance with a permit during its term constitutes compliance, for purposes of enforcement, with Part C of the SDWA. However, a permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in §§ 144.39 and 144.40.	40 CFR 144.35(a)		
The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.	40 CFR 144.35(b)		
The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.	40 CFR 144.35(c)		

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Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
40 CFR 144.36 Duration of permits.			
Permits for Class I and V wells shall be effective for a fixed term not to exceed 10 years. UIC permits for Class II and III wells shall be issued for a period up to the operating life of the facility. UIC permits for Class VI wells shall be issued for the operating life of the facility and the post-injection site care period. The Director shall review each issued Class II, III, and VI well UIC permit at least once every 5 years to determine whether it should be modified, revoked and reissued, terminated or a minor modification made as provided in §§144.39, 144.40, or 144.41.	40 CFR 144.36(a)		Addressed in previous crosswalk.
Except as provided in § 144.37, the term of a permit shall not be extended by modification beyond the maximum duration specified in this section.	40 CFR 144.36(b)		
The Director may issue any permit for a duration that is less than the full allowable term under this section.	40 CFR 144.36(c)		
40 CFR 144.38 Transfer of permits.			
Transfers by modification. Except as provided in paragraph (b) of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under § 144.39(b)(2)), or a minor modification made (under § 144.41(d)), to identify the new permittee and incorporate such other requirements as may be necessary under the Safe Drinking Water Act.	40 CFR 144.38(a)		
40 CFR 144.39 Modification or revocation and reissuance of permits.			
When the Director receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit (see § 144.51 of this chapter), receives a request for modification or revocation and reissuance under § 124.5, or conducts a review of the permit file) he or she may determine whether or not one or more of the causes listed in paragraphs (a) and (b) of this section for modification or revocation and reissuance or both exist. If cause exists, the Director may modify or revoke and reissue the permit accordingly, subject to the limitations of paragraph (c) of this section, and may request an updated application if necessary. When a permit is modified, only	40 CFR 144.39		

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Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. See § 124.5(c)(2) of this chapter. If cause does not exist under this section or § 144.41 of this chapter, the Director shall not modify or revoke and reissue the permit. If a permit modification satisfies the criteria in § 144.41 for ‘minor modifications’ the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared and other procedures in part 124 must be followed.			
Causes for modification. The following are causes for modification. For Class I hazardous waste injection wells, Class II, Class III or Class VI wells the following may be causes for revocation and reissuance as well as modification; and for all other wells the following may be cause for revocation or reissuance as well as modification when the permittee requests or agrees.	40 CFR 144.39(a)		
<i>Alterations.</i> There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.	40 CFR 144.39(a)(1)		
<i>Information.</i> The Director has received information. Permits other than for Class II and III wells may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance. For UIC area permits (§ 144.33), this cause shall include any information indicating that cumulative effects on the environment are unacceptable.	40 CFR 144.39(a)(2)		
New regulations. The standards or regulations on which the permit was based have been changed by promulgation of new or amended standards or regulations or by judicial decision after the permit was issued. Permits other than for Class I hazardous waste injection wells, Class II, Class III or Class VI wells may be modified during their permit terms for this cause only as follows:	40 CFR 144.39(a)(3)		
<i>Compliance schedules.</i> The Director determines good cause exists for modification of a compliance schedule, such as an act of God,	40 CFR 144.39(a)(4)		

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Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
strike, flood, or materials shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy. See also § 144.41(c) (minor modifications).			
<i>Basis for modification of Class VI permits.</i> Additionally, for Class VI wells, whenever the Director determines that permit changes are necessary based on:	40 CFR 144.39(a)(5)		Addressed in previous crosswalk.
Area of review reevaluations under §146.84(e)(1) of this chapter;	40 CFR 144.39(a)(5)(i)		Addressed in previous crosswalk.
Any amendments to the testing and monitoring plan under §146.90(j) of this chapter;	40 CFR 144.39(a)(5)(ii)		Addressed in previous crosswalk.
Any amendments to the injection well plugging plan under §146.92(c) of this chapter;	40 CFR 144.39(a)(5)(iii)		Addressed in previous crosswalk.
Any amendments to the post-injection site care and site closure plan under §146.93(a)(3) of this chapter;	40 CFR 144.39(a)(5)(iv)		Addressed in previous crosswalk.
Any amendments to the emergency and remedial response plan under §146.94(d) of this chapter; or	40 CFR 144.39(a)(5)(v)		Addressed in previous crosswalk.
A review of monitoring and/or testing results conducted in accordance with permit requirements.	40 CFR 144.39(a)(5)(vi)		Addressed in previous crosswalk.
Causes for modification or revocation and reissuance. The following are causes to modify or, alternatively, revoke and reissue a permit:	40 CFR 144.39(b)		
Cause exists for termination under § 144.40, and the Director determines that modification or revocation and reissuance is appropriate.	40 CFR 144.39(b)(1)		
The Director has received notification (as required in the permit, see § 144.41(d)) of a proposed transfer of the permit. A permit also may be modified to reflect a transfer after the effective date of an automatic transfer (§ 144.38(b)) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.	40 CFR 144.39(b)(2)		
A determination that the waste being injected is a hazardous waste as defined in § 261.3 either because the definition has been revised, or because a previous determination has been changed.	40 CFR 144.39(b)(3)		

Text highlighted in yellow is not required.

Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
Facility siting. Suitability of the facility location will not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance.	40 CFR 144.39(c)		
40 CFR 144.40 Termination of permits.			
The Director may terminate a permit during its term, or deny a permit renewal application for the following causes:	40 CFR 144.40(a)		
Noncompliance by the permittee with any condition of the permit;	40 CFR 144.40(a)(1)		
The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or	40 CFR 144.40(a)(2)		
A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;	40 CFR 144.40(a)(3)		
The Director shall follow the applicable procedures in part 124 in terminating any permit under this section.	40 CFR 144.40(b)		
40 CFR 144.41 Minor modifications of permits.			
Upon the consent of the permittee, the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, without following the procedures of part 124. Any permit modification not processed as a minor modification under this section must be made for cause and with part 124 draft permit and public notice as required in § 144.39. Minor modifications may only:	40 CFR 144.41		
Correct typographical errors;	40 CFR 144.41(a)		
Require more frequent monitoring or reporting by the permittee;	40 CFR 144.41(b)		
Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement; or	40 CFR 144.41(c)		
Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is	40 CFR 144.41(d)		

Text highlighted in yellow is not required.

Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Director.			
Change quantities or types of fluids injected which are within the capacity of the facility as permitted and, in the judgment of the Director, would not interfere with the operation of the facility or its ability to meet conditions described in the permit and would not change its classification.	40 CFR 144.41(e)		
Change construction requirements approved by the Director pursuant to § 144.52(a)(1) (establishing UIC permit conditions), provided that any such alteration shall comply with the requirements of this part and part 146.	40 CFR 144.41(f)		
Amend a plugging and abandonment plan which has been updated under § 144.52(a)(6).	40 CFR 144.41(g)		
Amend a Class VI injection well testing and monitoring plan, plugging plan, post-injection site care and site closure plan, or emergency and remedial response plan where the modifications merely clarify or correct the plan, as determined by the Director.	40 CFR 144.41(h)		Addressed in previous crosswalk.
SUBPART E--PERMIT CONDITIONS			
40 CFR 144.51 Conditions applicable to all permits.			
The following conditions apply to all UIC permits. All conditions applicable to all permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations (or the corresponding approved State regulations) must be given in the permit.	40 CFR 144.51		
Duty to comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Safe Drinking Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application; except that the permittee need not comply with the provisions of this permit to the extent and for the duration such noncompliance is authorized in an emergency permit under §144.34.	40 CFR 144.51(a)		

Text highlighted in yellow is not required.

Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.	40 CFR 144.51(b)		
Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.	40 CFR 144.51(c)		
Duty to mitigate. The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.	40 CFR 144.51(d)		
Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.	40 CFR 144.51(e)		
Permit actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.	40 CFR 144.51(f)		
Property rights. This permit does not convey any property rights of any sort, or any exclusive privilege.	40 CFR 144.51(g)		
Duty to provide information. The permittee shall furnish to the Director, within a time specified, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.	40 CFR 144.51(h)		

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Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
Inspection and entry. The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:	40 CFR 144.51(i)		
Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;	40 CFR 144.51(i)(1)		
Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;	40 CFR 144.51(i)(2)		
Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and	40 CFR 144.51(i)(3)		
Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the SDWA, any substances or parameters at any location.	40 CFR 144.51(i)(4)		
Monitoring and records. (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.	40 CFR 144.51(j)(1)		
The permittee shall retain records of all monitoring information, including the following:	40 CFR 144.51(j)(2)		
Calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Director at any time; and	40 CFR 144.51(j)(2)(i)		
The nature and composition of all injected fluids until three years after the completion of any plugging and abandonment procedures specified under §144.52(a)(6), or under part 146 subpart G as appropriate. The Director may require the owner or operator to deliver the records to the Director at the conclusion of the retention period.	40 CFR 144.51(j)(2)(ii)		

Text highlighted in yellow is not required.

Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
Records of monitoring information shall include:	40 CFR 144.51(j)(3)		
The date, exact place, and time of sampling or measurements;	40 CFR 144.51(j)(3)(i)		
The individual(s) who performed the sampling or measurements;	40 CFR 144.51(j)(3)(ii)		
The date(s) analyses were performed;	40 CFR 144.51(j)(3)(iii)		
The individual(s) who performed the analyses;	40 CFR 144.51(j)(3)(iv)		
The analytical techniques or methods used; and	40 CFR 144.51(j)(3)(v)		
The results of such analyses.	40 CFR 144.51(j)(3)(vi)		
Owners or operators of Class VI wells shall retain records as specified in subpart H of part 146, including §§146.84(g), 146.91(f), 146.92(d), 146.93(f), and 146.93(h) of this chapter.	40 CFR 144.51(j)(4)		Addressed in previous crosswalk.
Signatory requirement. All applications, reports, or information submitted to the Administrator shall be signed and certified. (See §144.32.)	40 CFR 144.51(k)		
Reporting requirements. (1) Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.	40 CFR 144.51(l)(1)		
Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.	40 CFR 144.51(l)(2)		
Transfers. This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Safe Drinking Water Act. (See §144.38; in some cases, modification or revocation and reissuance is mandatory.)	40 CFR 144.51(l)(3)		
Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.	40 CFR 144.51(l)(4)		
Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements	40 CFR 144.51(l)(5)		

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Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
contained in any compliance schedule of this permit shall be submitted no later than 30 days following each schedule date.			
Twenty-four hour reporting. The permittee shall report any noncompliance which may endanger health or the environment, including:	40 CFR 144.51(l)(6)		
Any monitoring or other information which indicates that any contaminant may cause an endangerment to a USDW; or	40 CFR 144.51(l)(6)(i)		
Any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between USDWs. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.	40 CFR 144.51(l)(6)(ii)		
Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (l) (4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (l)(6) of this section.	40 CFR 144.51(l)(7)		
Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.	40 CFR 144.51(l)(8)		
Requirements prior to commencing injection. Except for all new wells authorized by an area permit under §144.33(c), a new injection well may not commence injection until construction is complete, and	40 CFR 144.51(m)		

Text highlighted in yellow is not required.

Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
The permittee has submitted notice of completion of construction to the Director; and	40 CFR 144.51(m)(1)		
The Director has inspected or otherwise reviewed the new injection well and finds it is in compliance with the conditions of the permit; or	40 CFR 144.51(m)(2)(i)		
The permittee has not received notice from the Director of his or her intent to inspect or otherwise review the new injection well within 13 days of the date of the notice in paragraph (m)(1) of this section, in which case prior inspection or review is waived and the permittee may commence injection. The Director shall include in his notice a reasonable time period in which he shall inspect the well.	40 CFR 144.51(m)(2)(ii)		
The permittee shall notify the Director at such times as the permit requires before conversion or abandonment of the well or in the case of area permits before closure of the project.	40 CFR 144.51(n)		
A Class I, II or III permit shall include and a Class V permit may include conditions which meet the applicable requirements of §146.10 of this chapter to ensure that plugging and abandonment of the well will not allow the movement of fluids into or between USDWs. Where the plan meets the requirements of §146.10 of this chapter, the Director shall incorporate the plan into the permit as a permit condition. Where the Director's review of an application indicates that the permittee's plan is inadequate, the Director may require the applicant to revise the plan, prescribe conditions meeting the requirements of this paragraph, or deny the permit. A Class VI permit shall include conditions which meet the requirements set forth in §146.92 of this chapter. Where the plan meets the requirements of §146.92 of this chapter, the Director shall incorporate it into the permit as a permit condition. For purposes of this paragraph, temporary or intermittent cessation of injection operations is not abandonment.	40 CFR 144.51(o)		Addressed in previous crosswalk.
<i>Duty to establish and maintain mechanical integrity.</i> The owner or operator of a Class I, II, III or VI well permitted under this part shall establish mechanical integrity prior to commencing injection or on a schedule determined by the Director. Thereafter the owner or operator of Class I, II, and III wells must maintain mechanical	40 CFR 144.51(q)(1)		Addressed in previous crosswalk.

Text highlighted in yellow is not required.

Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
integrity as defined in §146.8 of this chapter and the owner or operator of Class VI wells must maintain mechanical integrity as defined in §146.89 of this chapter.			
When the Director determines that a Class I, II, III or VI well lacks mechanical integrity pursuant to §§146.8 or 146.89 of this chapter for Class VI of this chapter, he/she shall give written notice of his/her determination to the owner or operator. Unless the Director requires immediate cessation, the owner or operator shall cease injection into the well within 48 hours of receipt of the Director's determination. The Director may allow plugging of the well pursuant to the requirements of §146.10 of this chapter or require the permittee to perform such additional construction, operation, monitoring, reporting and corrective action as is necessary to prevent the movement of fluid into or between USDWs caused by the lack of mechanical integrity. The owner or operator may resume injection upon written notification from the Director that the owner or operator has demonstrated mechanical integrity pursuant to §146.8 of this chapter.	40 CFR 144.51(q)(2)		Addressed in previous crosswalk.
40 CFR 144.52 Establishing permit conditions.			
In addition to conditions required in §144.51, the Director shall establish conditions, as required on a case-by-case basis under §144.36 (duration of permits), §144.53(a) (schedules of compliance), §144.54 (monitoring). Permits for owners or operators of Class VI injection wells shall include conditions meeting the requirements of subpart H of part 146. Permits for other wells shall contain the following requirements, when applicable.	40 CFR 144.52(a)		Addressed in previous crosswalk.
Construction requirements as set forth in part 146. Existing wells shall achieve compliance with such requirements according to a compliance schedule established as a permit condition. The owner or operator of a proposed new injection well shall submit plans for testing, drilling, and construction as part of the permit application. Except as authorized by an area permit, no construction may commence until a permit has been issued containing construction requirements (see §144.11). New wells shall be in compliance with these requirements prior to commencing injection operations.	40 CFR 144.52(a)(1)		

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Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
Changes in construction plans during construction may be approved by the Administrator as minor modifications (§144.41). No such changes may be physically incorporated into construction of the well prior to approval of the modification by the Director.			
Corrective action as set forth in §§144.55, 146.7, and 146.84 of this chapter.	40 CFR 144.52(a)(2)		Addressed in previous crosswalk.
Operation requirements as set forth in 40 CFR part 146; the permit shall establish any maximum injection volumes and/or pressures necessary to assure that fractures are not initiated in the confining zone, that injected fluids do not migrate into any underground source of drinking water, that formation fluids are not displaced into any underground source of drinking water, and to assure compliance with the part 146 operating requirements.	40 CFR 144.52(a)(3)		
Requirements for wells managing hazardous waste, as set forth in §144.14.	40 CFR 144.52(a)(4)		
Monitoring and reporting requirements as set forth in 40 CFR part 146. The permittee shall be required to identify types of tests and methods used to generate the monitoring data.	40 CFR 144.52(a)(5)		
After a cessation of operations of two years the owner or operator shall plug and abandon the well in accordance with the plan unless he:	40 CFR 144.52(a)(6)		
Provides notice to the Regional Administrator;	40 CFR 144.52(a)(6)(i)		
Describes actions or procedures, satisfactory to the Regional Administrator, that the owner or operator will take to ensure that the well will not endanger USDWs during the period of temporary abandonment. These actions and procedures shall include compliance with the technical requirements applicable to active injection wells unless waived by the Regional Administrator.	40 CFR 144.52(a)(6)(ii)		
Financial responsibility. (i) The permittee, including the transferor of a permit, is required to demonstrate and maintain financial responsibility and resources to close, plug, and abandon the underground injection operation in a manner prescribed by the Director until:	40 CFR 144.52(a)(7)(i)		
The well has been plugged and abandoned in accordance with an	40 CFR 144.52(a)(7)(i)(A)		Addressed in previous crosswalk.

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Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
approved plugging and abandonment plan pursuant to §§144.51(o), 146.10, and 146.92 of this chapter, and submitted a plugging and abandonment report pursuant to §144.51(p); or			
The well has been converted in compliance with the requirements of §144.51(n); or	40 CFR 144.52(a)(7)(i)(B)		
The transferor of a permit has received notice from the Director that the owner or operator receiving transfer of the permit, the new permittee, has demonstrated financial responsibility for the well.	40 CFR 144.52(a)(7)(i)(C)		
The permittee shall show evidence of such financial responsibility to the Director by the submission of a surety bond, or other adequate assurance, such as a financial statement or other materials acceptable to the Director. The owner or operator of a well injecting hazardous waste must comply with the financial responsibility requirements of subpart F of this part. For Class VI wells, the permittee shall show evidence of such financial responsibility to the Director by the submission of a qualifying instrument (see §146.85(a) of this chapter), such as a financial statement or other materials acceptable to the Director. The owner or operator of a Class VI well must comply with the financial responsibility requirements set forth in §146.85 of this chapter.	40 CFR 144.52(a)(7)(ii)		Addressed in previous crosswalk.
<i>Mechanical integrity.</i> A permit for any Class I, II, III or VI well or injection project which lacks mechanical integrity shall include, and for any Class V well may include, a condition prohibiting injection operations until the permittee shows to the satisfaction of the Director under §§146.8, or 146.89 for Class VI, that the well has mechanical integrity.	40 CFR 144.52(a)(8)		Addressed in previous crosswalk.
<i>Additional conditions.</i> The Director shall impose on a case-by-case basis such additional conditions as are necessary to prevent the migration of fluids into underground sources of drinking water.	40 CFR 144.52(a)(9)		
In addition to conditions required in all permits the Director shall establish conditions in permits as required on a case-by-case basis, to provide for and assure compliance with all applicable requirements of the SDWA and parts 144, 145, 146 and 124.	40 CFR 144.52(b)(1)		
For a State issued permit, an applicable requirement is a State statutory or regulatory requirement which takes effect prior to final	40 CFR 144.52(b)(2)		

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Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
administrative disposition of the permit. For State and EPA administered programs, an applicable requirement is also any requirement which takes effect prior to the modification or revocation and reissuance of a permit, to the extent allowed in §144.39.			
New or reissued permits, and to the extent allowed under §144.39 modified or revoked and reissued permits, shall incorporate each of the applicable requirements referenced in §144.52.	40 CFR 144.52(b)(3)		
Incorporation. All permit conditions shall be incorporated either expressly or by reference. If incorporated by reference, a specific citation to the applicable regulations or requirements must be given in the permit.	40 CFR 144.52(c)		
40 CFR 144.53 Schedule of compliance.			
General. The permit may, when appropriate, specify a schedule of compliance leading to compliance with the SDWA and parts 144, 145, 146, and 124.	40 CFR 144.53(a)		
Time for compliance. Any schedules of compliance shall require compliance as soon as possible, and in no case later than 3 years after the effective date of the permit.	40 CFR 144.53(a)(1)		
Interim dates. Except as provided in paragraph (b)(1)(ii) of this section, if a permit establishes a schedule of compliance which exceeds 1 year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.	40 CFR 144.53(a)(2)		
The time between interim dates shall not exceed 1 year.	40 CFR 144.53(a)(2)(i)		
If the time necessary for completion of any interim requirement is more than 1 year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.	40 CFR 144.53(a)(2)(ii)		
Reporting. The permit shall be written to require that if paragraph (a)(1) of this section is applicable, progress reports be submitted no later than 30 days following each interim date and the final date of compliance.	40 CFR 144.53(a)(3)		
Alternative schedules of compliance. A permit applicant or	40 CFR 144.53(b)		

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Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
permittee may cease conducting regulated activities (by plugging and abandonment) rather than continue to operate and meet permit requirements as follows:			
If the permittee decides to cease conducting regulated activities at a given time within the term of a permit which has already been issued:	40 CFR 144.53(b)(1)		
The permit may be modified to contain a new or additional schedule leading to timely cessation of activities; or	40 CFR 144.53(b)(1)(i)		
The permittee shall cease conducting permitted activities before noncompliance with any interim or final compliance schedule requirement already specified in the permit.	40 CFR 144.53(b)(1)(ii)		
If the decision to cease conducting regulated activities is made before issuance of a permit whose term will include the termination date, the permit shall contain a schedule leading to termination which will ensure timely compliance with applicable requirements.	40 CFR 144.53(b)(2)		
If the permittee is undecided whether to cease conducting regulated activities, the Director may issue or modify a permit to contain two schedules as follows:	40 CFR 144.53(b)(3)		
Both schedules shall contain an identical interim deadline requiring a final decision on whether to cease conducting regulated activities no later than a date which ensures sufficient time to comply with applicable requirements in a timely manner if the decision is to continue conducting regulated activities;	40 CFR 144.53(b)(3)(i)		
One schedule shall lead to timely compliance with applicable requirements;	40 CFR 144.53(b)(3)(ii)		
The second schedule shall lead to cessation of regulated activities by a date which will ensure timely compliance with applicable requirements;	40 CFR 144.53(b)(3)(iii)		
Each permit containing two schedules shall include a requirement that after the permittee has made a final decision under paragraph (b)(3)(i) of this section it shall follow the schedule leading to compliance if the decision is to continue conducting regulated activities, and follow the schedule leading to termination if the decision is to cease conducting regulated activities.	40 CFR 144.53(b)(3)(iv)		

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Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
The applicant's or permittee's decision to cease conducting regulated activities shall be evidenced by a firm public commitment satisfactory to the Director, such as a resolution of the board of directors of a corporation.	40 CFR 144.53(b)(4)		
40 CFR 144.54 Requirements for recording and reporting of monitoring results.			
All permits shall specify: Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods (including biological monitoring methods when appropriate);	40 CFR 144.54(a)		
Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including when appropriate, continuous monitoring;	40 CFR 144.54(b)		
Applicable reporting requirements based upon the impact of the regulated activity and as specified in part 146. Reporting shall be no less frequent than specified in the above regulations.	40 CFR 144.54(c)		

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Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
PART 146--UNDERGROUND INJECTION CONTROL PROGRAM: CRITERIA AND STANDARDS			
SUBPART A--GENERAL PROVISIONS			
40 CFR 146.1 Applicability and scope.			
Upon the approval, partial approval or promulgation of a State UIC program by the Administrator, any underground injection which is not authorized by the Director by rule or by permit is unlawful.	40 CFR 146.1(b)		
40 CFR 146.3 Definitions			
<i>Abandoned well</i> means a well whose use has been permanently discontinued or which is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes.			
<i>Casing</i> means a pipe or tubing of appropriate material, of varying diameter and weight, lowered into a borehole during or after drilling in order to support the sides of the hole and thus prevent the walls from caving, to prevent loss of drilling mud into porous ground, or to prevent water, gas, or other fluid from entering or leaving the hole.			
<i>Cementing</i> means the operation whereby a cement slurry is pumped into a drilled hole and/or forced behind the casing.			
<i>Effective date</i> of a UIC program means the date that a State UIC program is approved or established by the Administrator.			
<i>Experimental technology</i> means a technology which has not been proven feasible under the conditions in which it is being tested.			
<i>Fault</i> means a surface or zone of rock fracture along which there has been displacement.			
<i>Flow rate</i> means the volume per time unit given to the flow of gases or other fluid substance which emerges from an orifice, pump, turbine or passes along a conduit or channel.			
<i>Lithology</i> means the description of rocks on the basis of their physical and chemical characteristics.			
<i>Owner or operator</i> means the owner or operator of any facility or activity subject to regulation under the RCRA, UIC, NPDES, or 404 programs.			

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Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
<i>Packer</i> means a device lowered into a well to produce a fluid-tight seal.			
<i>Permit</i> means an authorization, license, or equivalent control document issued by EPA or an “approved State” to implement the requirements of this part and parts 124, 144, and 145. Permit does not include RCRA interim status (§122.23), UIC authorization by rule (§§144.21 to 144.26 and 144.15), or any permit which has not yet been the subject of final agency action, such as a “draft permit” or a “proposed permit.”			
<i>Plugging</i> means the act or process of stopping the flow of water, oil or gas into or out of a formation through a borehole or well penetrating that formation.			
<i>Plugging record</i> means a systematic listing of permanent or temporary abandonment of water, oil, gas, test, exploration and waste injection wells, and may contain a well log, description of amounts and types of plugging material used, the method employed for plugging, a description of formations which are sealed and a graphic log of the well showing formation location, formation thickness, and location of plugging structures.			
<i>Pressure</i> means the total load or force per unit area acting on a surface.			
<i>Sole or principal source aquifer</i> means an aquifer which has been designated by the Administrator pursuant to section 1424 (a) or (e) of the SDWA.			
<i>Surface casing</i> means the first string of well casing to be installed in the well.			
<i>Well plug</i> means a watertight and gastight seal installed in a borehole or well to prevent movement of fluids.			
<i>Well stimulation</i> means several processes used to clean the well bore, enlarge channels, and increase pore space in the interval to be injected thus making it possible for wastewater to move more readily into the formation, and includes (1) surging, (2) jetting, (3) blasting, (4) acidizing, (5) hydraulic fracturing.			
<i>Well monitoring</i> means the measurement by on-site instruments or			

Text highlighted in yellow is not required.

Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
laboratory methods, of the quality of water in a well			
40 CFR 146.4 Criteria for exempted aquifers.			
An aquifer or a portion thereof which meets the criteria for an “underground source of drinking water” in §146.3 may be determined under §144.7 of this chapter to be an “exempted aquifer” for Class I–V wells if it meets the criteria in paragraphs (a) through (c) of this section. Class VI wells must meet the criteria under paragraph (d) of this section:	40 CFR 146.4		Addressed in previous crosswalk.
It does not currently serve as a source of drinking water; and	40 CFR 146.4(a)		
It cannot now and will not in the future serve as a source of drinking water because:	40 CFR 146.4(b)		
It is mineral, hydrocarbon or geothermal energy producing, or can be demonstrated by a permit applicant as part of a permit application for a Class II or III operation to contain minerals or hydrocarbons that considering their quantity and location are expected to be commercially producible.	40 CFR 146.4(b)(1)		
It is situated at a depth or location which makes recovery of water for drinking water purposes economically or technologically impractical;	40 CFR 146.4(b)(2)		
It is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption; or	40 CFR 146.4(b)(3)		
It is located over a Class III well mining area subject to subsidence or catastrophic collapse; or	40 CFR 146.4(b)(4)		
The total dissolved solids content of the ground water is more than 3,000 and less than 10,000 mg/l and it is not reasonably expected to supply a public water system.	40 CFR 146.4(c)		
The areal extent of an aquifer exemption for a Class II enhanced oil recovery or enhanced gas recovery well may be expanded for the exclusive purpose of Class VI injection for geologic sequestration under §144.7(d) of this chapter if it meets the following criteria:	40 CFR 146.4(d)		Addressed in previous crosswalk.
It does not currently serve as a source of drinking water; and	40 CFR 146.4(d)(1)		Addressed in previous crosswalk.
The total dissolved solids content of the ground water is more than	40 CFR 146.4(d)(2)		Addressed in previous crosswalk.

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Crosswalk for §1422 Program Requirements for Class VI Primacy

Federal Requirement	Federal Citation	State Citation and Regulatory Text (document title, page number, section/paragraph)	Different From Federal Requirement?
3,000 mg/l and less than 10,000 mg/l; and			
It is not reasonably expected to supply a public water system.	40 CFR 146.4(d)(3)		Addressed in previous crosswalk.

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